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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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S 35.02653CIIR

EXAMINER
ROGERS, S

E6M1/0403

FITZPATRICK CELLA HARPER & SCINTO
277 PARK AVENUE
NEW YORK NY 10172

ART UNIT PAPER NUMBER

2612

24

DATE MAILED: 04/03/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 11/15/95 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-71, 73-87 are pending in the application.

Of the above, claims — are withdrawn from consideration.

2. ☒ Claims 72 have been cancelled.

3. ☒ Claims 1-70 are allowed.

4. ☒ Claims 71, 73-87 are rejected.

5. ☐ Claims — are objected to.

6. ☐ Claims — are subject to restriction or election requirement.

7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on —. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on —, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed —, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. —; filed on —.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Art Unit: 2612

Part III DETAILED ACTION

Response to Amendment

1. Applicants' arguments filed November 15, 1995, have been fully considered but they are not deemed to be persuasive.

In regard to the art rejection, applicants' arguments are addressed by the art rejection below.

In regard to the defective declaration under 37 C.F.R. § 1.175(a)(5) and the corresponding rejection of new claims under 35 U.S.C. § 251, applicants must submit a corrected supplemental reissue declaration which meets the requirements specified below in regard new claims 71 and 73-87 as originally filed. Applicants must also address, in the reissue declaration, changes in the new claims which were made to overcome rejections applied by the examiner. It is unclear what agreements were made in the interview on February 3, 1994. However, a corrected declaration is now required.

In regard to the amendments to the new claims filed September 10, 1992 (amendment A) and November 15, 1995 (amendment B), applicants are advised to follow the procedure specified in section 1453 of the MPEP. Specifically, see "AMENDMENT OR CANCELATION OF ADDITIONAL CLAIMS" on page 1400-21, column 1. Correction of amendments A and B and future conformance to this procedure is required.

Art Unit: 2612

Declaration

2. The reissue declaration filed with this application is defective because it fails to particularly specify the errors relied upon, as required under 37 C.F.R. § 1.175(a)(5).

Merely reciting added claims 71 and 73-87 in paragraph 8 of the declaration is inadequate. Applicants' must specifically point out how each new claim differs from the closest corresponding original claims. Claims substantially rewritten relative to the original claims must be explained in regard to what error is being corrected and how the change corrects the error. These errors and corrections must be explained in terms of the claim language. See *In re Wittry* 180 USPQ 320,323 (CCPA 1974).

3. Claims 71 and 73-87 are rejected as being based upon a defective reissue declaration under 35 U.S.C. § 251. See the above requirement under 37 C.F.R. § 1.175(a)(5).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time

Art Unit: 2612

the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5. Claims 71 and 73-87 are rejected under 35 U.S.C. § 103 as being unpatentable over well known prior art (MPEP 706.02(a)) in view of Kanayama et al (JP 56-21471), Yamanaka et al (JP 55-76480), or Matsunaga (JP 58-223954).

Image processing apparatus comprising means for supplying or receiving color image information and character code data through a common line or input are well known in the prior art. Furthermore, such apparatus are well known in the prior art for deriving plural color component information from color image information and developing the derived information into patterns of plural color component information.

Kanayama et al and Yamanaka et al provide evidence of image processing apparatus wherein character code data and image information are derived and developed into separate patterns which are then combined in memory. Matsunaga also provides evidence of both deriving character code data and image information, developing the character code data and image information into separate patterns, and combining the patterns in memory.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the well known prior art color image processing apparatus to have included means for deriving, developing, and combining separate patterns corresponding to character code data and color component image information in view of Kanayama et al, Yamanaka et al, or Matsunaga in order to improve

Art Unit: 2612

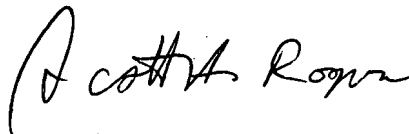
processing efficiency and reproduction quality of combined character code data and color image information.

Conclusion

6. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this application should be directed to Scott Rogers whose telephone number with voice mail is (703) 305-4726 and whose internet e-mail address is srogers@uspto.gov. The group receptionist telephone number is (703) 308-8576. Facsimile communications should be sent to (703) 308-5397.



SCOTT A. ROGERS
PRIMARY EXAMINER
ART UNIT 2612

March 26, 1996